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EXAMINER	
FIELDS, BENJAMIN S	
ART UNIT	**PAPER NUMBER**
3692	
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08/20/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/569,013	WHITING ET AL.	
	Examiner	Art Unit	
	BENJAMIN S. FIELDS	3692	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 June 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *5,9,12,14-16,18-22,27,31,34 and 36-38* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *5,9,12,14-16,18-22,27,31,34 and 36-38* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on __ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *28 July 2009*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Introduction

1. A **request for continued examination** under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), **was filed** in this application **after final rejection**. Since this application is **eligible** for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the **finality** of the previous Office action has been **withdrawn** pursuant to 37 CFR 1.114. Applicants submission filed on 25 June 2009 has been entered.

2. The following is a **NON-FINAL** Office Action in response to the communication received on 25 June 2009. Claims 5, 9, 12, 14-16, 18-22, 27, 31, 34 and 36-38 are now pending in this application.

Response to Amendments/Status of Claims

3. The Examiner notes the Applicants remarks, comments, and filing of a Terminal Disclaimer 22 September 2008 in co-pending case 10/645,778 and thus removes the originally asserted non-statutory obvious-type Double Patenting Rejection.

4. **The Examiner wishes to point out that an After Final Amendment was received in this case 12 June 2009. However, following this After Final Amendment (12 June 2009), Applicants subsequently filed a request for continued examination (RCE) under 37 CFR 1.114 (25 June 2009). As such, the Applicants comments, remarks, and arguments filed 12 June 2009 will be**

considered as part of the RCE that has been submitted 25 June 2009 which has been included herein.

5. Applicants Amendment has been acknowledged in that: **NO Claims have been newly cancelled; NO Claims have been newly added; NO Claims have been newly amended;** hence, as such, **Claims 5, 9, 12, 14-16, 18-22, 27, 31, 34, and 36-38 are pending within this application**.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 5, 9, 12, 14-16, 18-22, 27, 31, 34 and 36-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bent et al. (US PG Pub. No. 2006/0212385), [hereinafter Bent] and Jacobsen (US PG Pub. No. 2003/0023529), [hereinafter Jacobsen] in view of Sheehan et al. (US Pat. No. 7,328,179), [hereinafter Sheehan].

Referring to Claim 5: Bent in combination with Jacobsen teach a method for facilitating financial transactions between depositor groups and commercial banks, the method comprising: (a) determining, using a control center with at least one computer, deposit needs of a plurality of depositor groups (Bent: Abstract; Figures 1-3; Page 1, Paragraph 0005-Page 3, Paragraph 0025); (c) notifying, using the control center with the at least one computer, commercial banks of the availability of the stable funds

source and an amount of funds available in the stable funds source (Bent: Figures 1-3; Page 1, Paragraph 0005-Page 3, Paragraph 0025); (e) determining, using the control center with the at least one computer, an amount of money collectively needed by the different commercial banks (Bent: Abstract; Figures 1-3; Page 1, Paragraph 0005-Page 3, Paragraph 0025); (f) receiving, using the control center with the at least one computer, account postings from the commercial banks (Bent: Abstract; Figures 1-3; Page 1, Paragraph 0005-Page 3, Paragraph 0025); and (h) allowing, using the control center with the at least one computer, the depositor groups to withdraw funds from the accounts on a demand basis without penalty, wherein determining deposit needs of a plurality of depositor groups includes determining deposit needs of different corporations and wherein aggregating the deposit needs includes aggregating funds from the corporations (Bent: Abstract; Figures 1-3; Page 1, Paragraph 0005-Page 3, Paragraph 0025)(Jacobsen: Abstract; Figures 1-4; Page 1, Paragraph 0006-Page 2, Paragraph 0037).

Bent in combination with Jacobsen, however, does not expressly disclose (b) aggregating, using the control center with the at least one computer, the deposit needs of the depositor groups to provide a stable funds source usable by a plurality of different commercial banks as core deposits; (d) setting, using the control center with the at least one computer, an interest rate to be paid to the depositor groups to a predetermined value based on an interest rate that the commercial banks are willing to pay for the stable funds source and an interest rate the depositor groups expect as a return for use of funds in the stable funds source; (g) communicating, using the control center with the

at least one computer, the interest rate to be paid to the depositor groups and the amount of money collectively needed by the different commercial banks to the depositor groups, receiving deposits, and depositing, using the control center with the at least one computer, funds from the stable funds source in the accounts.

Sheehan, in a similar environment, discusses (b) aggregating, using the control center with the at least one computer, the deposit needs of the depositor groups to provide a stable funds source usable by a plurality of different commercial banks as core deposits (Sheehan: Abstract; Figures 1, 3, 5; Column 3, Line 44-Column 5, Line 38; Column 9, Line 31-Column 10, Line 21; Column 15, Line 37-Column 17, Line 32); (d) setting, using the control center with the at least one computer, an interest rate to be paid to the depositor groups to a predetermined value based on an interest rate that the commercial banks are willing to pay for the stable funds source and an interest rate the depositor groups expect as a return for use of funds in the stable funds source (Sheehan: Abstract; Figures 1, 3, 5; Column 3, Line 44-Column 5, Line 38; Column 9, Line 31-Column 10, Line 21; Column 15, Line 37-Column 17, Line 32); (g) communicating, using the control center with the at least one computer, the interest rate to be paid to the depositor groups and the amount of money collectively needed by the different commercial banks to the depositor groups, receiving deposits, and depositing, using the control center with the at least one computer, funds from the stable funds source in the accounts (Sheehan: Abstract; Figures 1, 3, 5; Column 3, Line 44-Column 5, Line 38; Column 9, Line 31-Column 10, Line 21; Column 15, Line 37-Column 17, Line 32).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify the method of Bent in combination with Jacobsen for money fund banking with multiple banks and/or rates and a method and apparatus for fully insuring large bank deposits with the features of Sheehan for a system for determining a useful life of core deposits and interest rate sensitivity thereof for the purpose of allowing a bank the ability to report the funds deposited within accounts as core deposits and utilize such funds for additional monetary gain (Sheehan: Abstract; Column 3, Lines 17-56).

Referring to Claim 9: Bent in combination with Jacobsen disclose a method for facilitating financial transactions between depositor groups and commercial banks, the method comprising: (a) determining, using a control center with at least one computer, deposit needs of a plurality of depositor groups; (c) notifying, using the control center with the at least one computer, commercial banks of the availability of the stable funds source and an amount of funds available in the stable funds source; (e) determining, using the control center with the at least one computer, an amount of money collectively needed by the different commercial banks; (f) receiving, using the control center with the at least one computer, account postings from the commercial banks; and (h) allowing, using the control center with the at least one computer, the depositor groups to withdraw funds from the accounts on a demand basis without penalty, wherein setting the interest rate to be paid to the depositor groups to a predetermined value includes setting the interest rate to a value equal to the interest rate that the commercial banks are willing to pay for the funds (Bent: Abstract; Figures 1-3; Page 1, Paragraph 0005-

Page 3, Paragraph 0025) (Jacobsen: Abstract; Figures 1-4; Page 1, Paragraph 0006-Page 2, Paragraph 0037).

Bent in combination with Jacobsen, however, does not expressly disclose (b) aggregating, using the control center with the at least one computer, the deposit needs of the depositor groups to provide a stable funds source usable by a plurality of different commercial banks as core deposits; (d) setting, using the control center with the at least one computer, an interest rate to be paid to the depositor groups to a predetermined value based on an interest rate that the commercial banks are willing to pay for the stable funds source and an interest rate the depositor groups expect as a return for use of funds in the stable funds source; (g) communicating, using the control center with the at least one computer, the interest rate to be paid to the depositor groups and the amount of money collectively needed by the different commercial banks to the depositor groups, receiving deposits, and depositing, using the control center with the at least one computer, funds from the stable funds source in the accounts.

Sheehan, in a similar environment, discusses (b) aggregating, using the control center with the at least one computer, the deposit needs of the depositor groups to provide a stable funds source usable by a plurality of different commercial banks as core deposits (Sheehan: Abstract; Figures 1, 3, 5; Column 3, Line 44-Column 5, Line 38; Column 9, Line 31-Column 10, Line 21; Column 15, Line 37-Column 17, Line 32); (d) setting, using the control center with the at least one computer, an interest rate to be paid to the depositor groups to a predetermined value based on an interest rate that the commercial banks are willing to pay for the stable funds source and an interest rate the

depositor groups expect as a return for use of funds in the stable funds source (Sheehan: Abstract; Figures 1, 3, 5; Column 3, Line 44-Column 5, Line 38; Column 9, Line 31-Column 10, Line 21; Column 15, Line 37-Column 17, Line 32); (g) communicating, using the control center with the at least one computer, the interest rate to be paid to the depositor groups and the amount of money collectively needed by the different commercial banks to the depositor groups, receiving deposits, and depositing, using the control center with the at least one computer, funds from the stable funds source in the accounts (Sheehan: Abstract; Figures 1, 3, 5; Column 3, Line 44-Column 5, Line 38; Column 9, Line 31-Column 10, Line 21; Column 15, Line 37-Column 17, Line 32).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify the method of Bent in combination with Jacobsen for money fund banking with multiple banks and/or rates and a method and apparatus for fully insuring large bank deposits with the features of Sheehan for a system for determining a useful life of core deposits and interest rate sensitivity thereof for the purpose of allowing a bank the ability to report the funds deposited within accounts as core deposits and utilize such funds for additional monetary gain (Sheehan: Abstract; Column 3, Lines 17-56).

Referring to Claim 12: Bent in combination with Jacobsen show a method comprising receiving incoming deposits and withdrawal requests from the depositor groups, satisfying the incoming withdrawal requests using the incoming deposits, and updating account records to change ownership of deposited funds without withdrawing

funds from the commercial banks. (Bent: Abstract; Figures 1-3; Page 1, Paragraph 0005-Page 3, Paragraph 0025) (Jacobsen: Abstract; Figures 1-4; Page 1, Paragraph 0006-Page 2, Paragraph 0037).

Referring to Claim 14: Bent in combination with Jacobsen discuss a method wherein depositing funds in the accounts includes depositing funds in excess of a federal deposit insurance limit from a single depositor group in an account of a single commercial bank and providing federal deposit insurance or a collateral for the entire deposit (Bent: Abstract; Figures 1-3; Page 1, Paragraph 0005-Page 3, Paragraph 0025) (Jacobsen: Abstract; Figures 1-4; Page 1, Paragraph 0006-Page 2, Paragraph 0037).

Referring to Claim 15: Bent in combination with Jacobsen show the limitations of Claim 9.

Bent in combination with Jacobsen, however, does not expressly disclose a method wherein the commercial banks report the funds deposited in the accounts as core deposits.

Sheehan, in a similar environment, discusses a method wherein the commercial banks report the funds deposited in the accounts as core deposits (Sheehan: Abstract; Figures 1, 3, 5; Column 3, Line 44-Column 5, Line 38; Column 9, Line 31-Column 10, Line 21; Column 15, Line 37-Column 17, Line 32).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify the method of Bent in combination with Jacobsen for money fund banking with multiple banks and/or rates and a method and apparatus for fully insuring large bank deposits with the features of Sheehan for a system for determining a useful

life of core deposits and interest rate sensitivity thereof for the purpose of allowing a bank the ability to report the funds deposited within accounts as core deposits and utilize such funds for additional monetary gain (Sheehan: Abstract; Column 3, Lines 17-56).

Referring to Claim 16: Bent in combination with Jacobsen teach a method wherein the depositor groups comprise pooled depositor groups and wherein the accounts comprise master negotiated order of withdrawal accounts (Bent: Abstract; Figures 1-3; Page 1, Paragraph 0005-Page 3, Paragraph 0025)(Jacobsen: Abstract; Figures 1-4; Page 1, Paragraph 0006-Page 2, Paragraph 0037).

Referring to Claim 18: Bent in combination with Jacobsen disclose a method for facilitating financial transactions between commercial banks and depositors, the method comprising: (a) receiving, using a control center with at least one computer, deposit account postings from a plurality of different commercial banks; (c) determining, using the control center with the at least one computer, an amount of money collectively needed by the different commercial banks; (d) receiving, using the control center with the at least one computer, account postings from the commercial banks; and (e) matching the deposit need with the deposit account postings in a manner that provides deposit insurance for funds deposited by the depositor (Bent: Abstract; Figures 1-3; Page 1, Paragraph 0005-Page 3, Paragraph 0025) (Jacobsen: Figures 1-4; Page 1, Paragraph 0006-Page 2, Paragraph 0037).

Bent in combination with Jacobsen, however, does not expressly disclose (b) determining, using the control center with the at least one computer, a deposit need of

at least one depositor and aggregating, using a control center with at least one computer, the deposit need of the at least one depositor to provide a stable funds source usable by different commercial banks as core deposits.

Sheehan, in a similar environment, shows (b) determining, using the control center with the at least one computer, a deposit need of at least one depositor and aggregating, using a control center with at least one computer, the deposit need of the at least one depositor to provide a stable funds source usable by different commercial banks as core deposits (Sheehan: Abstract; Figures 1, 3, 5; Column 3, Line 44-Column 5, Line 38; Column 9, Line 31-Column 10, Line 21; Column 15, Line 37-Column 17, Line 32).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify the method of Bent in combination with Jacobsen for money fund banking with multiple banks and/or rates and a method and apparatus for fully insuring large bank deposits with the features of Sheehan for a system for determining a useful life of core deposits and interest rate sensitivity thereof for the purpose of allowing a bank the ability to report the funds deposited within accounts as core deposits and utilize such funds for additional monetary gain (Sheehan: Abstract; Column 3, Lines 17-56).

Referring to Claims 19-22: Bent in combination with Jacobsen discuss the limitations of Claim 18.

Claim 19 recites the limitation “the method … wherein the depositor comprises an individual entity”.

Claim 20 recites the limitation "the method … wherein the individual entity comprises a human being".

Claim 21 recites the limitation "the method … wherein the individual entity comprises a corporation".

Claim 22 recites the limitation "the method … wherein matching the deposit need with the deposit account posting includes auctioning available deposits to the commercial banks".

The Examiner notes that the limitations within Claims 19-22 are signified only as nonfunctional descriptive material and do not alter how the method operates. Thus, this descriptive material does not distinguish the claimed invention from the prior art in terms of patentability, see In re Gulack, 703 F.2d 1381, 1385, 217 USPQ 401 (Fed. Cir. 1983); In re Lowry, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

Referring to Claims 27, 31, 34, and 36-38: Claims 27, 31, 34, and 36-38 are directed towards a computer program product for Claims 5, 9, 12, 14-16, and 18. As such, Claims 27, 31, 34, and 36-38 are rejected under the same basis as are Claims 5, 9, 12, 14-16 and 18 as mentioned supra.

Response to Arguments

8. Applicants arguments filed 25 June 2009 have been fully considered but have been found to be **moot** and **non-persuasive** in view of the **new grounds of rejection**.

Conclusion

9. Any inquiry concerning this communication should be directed to BENJAMIN S. FIELDS at telephone number 571.272.9734. The examiner can normally be reached MONDAY THRU FRI between the hours of 9AM and 7PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, KAMBIZ ABDI can be reached at 571.272.6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Benjamin S. Fields
9 July 2009

/Harish T Dass/
Primary Examiner, Art Unit 3692